

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

September 14, 2016

Chairman Frank Aieta called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Chris Miner
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner Michael Camillo-A
Commissioner Paul Giangrave-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner John Bottalico-A

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Andrzejewski.

III. APPROVAL OF AGENDA

No Changes

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda, speakers limited to two minutes.)

None.

V. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: A couple of things that came up, I just want to update you on, there were some questions about the vendor on Stamm Road. That he had seating in the street. That was referred to the PD, and I have a call in to see, I know that they did stop out there, I haven't been back to see since they stopped out there, but we did hand that to them. You had an application a couple of months ago for the Sloppy Waffle, and part of your requirement was they come back to you, to present, within sixty days any building permits that were necessary and I got an e-mail this morning, or yesterday afternoon from Doug Jordan, he has inspected the building and feels that nothing that was done required a building permit, so there will be no further permits necessary for that. He feels that all she did was paint, no structural changes, no electrical changes.

A couple of temporary signs were passed along to me.....

Commissioner Pane: Excuse me, before you leave that subject, how about the Fire Marshal, did he inspect the premises?

Mike D'Amato: I believe the Fire Marshal was out, I don't have a report from him. I thought the Certificate of Action only required Building Permits.

Craig Minor: We can certainly ask the Fire Marshal to go out.

Mike D'Amato: She has been keeping me in the loop, I seem to recall that he was out there, but I can verify that.

Chairman Aieta: What is the normal procedure?

Mike D'Amato: There are certain plans that come in with certain types of renovations, the Fire Marshal may just verify that there is nothing that he sees as an issue. If there is a significant amount of renovation, I don't know what that trigger is, but I will follow up with Chris just to make sure.

So there were some temp signs that were brought up and I sent some notices out to those. I was in town this weekend, found three or four violations on Fenn Road and the Berlin Turnpike. You have my report, it was a little bit light this month, most of my time was predominately blight. If anyone has any questions about this or anything else, we can go into it.

Chairman Aieta: When you did the Berlin Turnpike, did you notice the liquor store?

Mike D'Amato: Yes, they were one of them. I think both signs on that property were from the liquor store, but they were one of the ones that I mentioned. There was another property south, closer to IHOP that had a light sign out by the road. There were a couple of different businesses on Fenn Road, I think Weight Watchers and another one. There were about four different ones up there.

Chairman Aieta: Any Commissioner remarks, questions on any of the issues?

Commissioner Pane: Mr. Chairman, there was a list of things that was sent to you to make it more efficient for the Zoning Enforcement Officer, and I'm wondering what the status is on that?

Mike D'Amato: I think most of what was on that list was temp signs, so I sent notices out. There was a question about property on Kelsey, which I received first from Craig, so that should have gone out a bit ago. I went out and inspected with someone from the Engineering Department, to look at what may or may not be going on.

Commissioner Pane : Property on Lewis Street?

Mike D'Amato: Yes, that was about a sign and that sign has been removed. I went by yesterday, and it should be gone.

Commissioner Pane: It's still there, and we wanted to know the history of the place.

Mike D'Amato: Oh, I thought that you wanted to know about the approval of a sign, I didn't know you wanted the approval of use.

Chairman Aieta: We don't remember that coming in for an auto use.

Mike D'Amato: That's 165 right? 165 Lewis.

Chairman Aieta: Right, we just don't remember it ever coming in for approval. Anything else?

VI. REMARKS BY COMMISSIONERS

Commissioner Sobieski: Are we going to be able to vote on the chicken issue? I'm just wondering because in the Zoning Officer's report I saw a violation, and I was just wondering if we were going to put those regulations into play. I know we discussed them, but is it just a matter of voting on them?

Chairman Aieta: No, I think it's more than just a matter of voting on them, we didn't even start the discussion.

Commissioner Sobieski: Okay, just asking.

Chairman Aieta: At the end of the meeting we can see when we can put it on the agenda for discussion. Any other Commissioner remarks?

VII. PUBLIC HEARING:

A. Petition 30-16: Zoning Text Amendment (Section 3.19B: Newington Junction TOD Overlay District.) Town Plan and Zoning Commission, applicant, Continued from August 10, 2016.

Craig Minor: I'll read a portion of my report. "The Newington Junction TOD Overlay District regulations will allow smaller scale, pedestrian oriented, mixed-use development within walking distance of the CTfastrak station. The regulation is based on the Cedar Street Station TOD Overlay District regulation adopted earlier this year by TPZ but it reflects the very different character of the Newington Junction neighborhood.

In my memo to the Commissioners, there were two items, the first item I summarized some of the points that came up at the last meeting for the Commissioners reading pleasure and for the record, so that we do sit down and finalize the regulation we will have these comments from the hearing.

The second thing I put in my memo, the residents in the area are understandably concerned about development in their residential neighborhood, so I drew a map that reduces the, I won't call it the proposed area because that makes it sound like it is more thorough than it is, but maybe just discussion area, down to the area bounded by Willard Avenue on the west, so in other words, just the east side of Willard Avenue which is predominately industrial. There are about a half a dozen homes there, but it's mostly industrial, and then Day Street, all the way out to Main Street, but not the area on Francis Avenue to the east which is residential and if you look at the map that is being displayed, that squiggly line is Piper Brook, so the target area I'll call it, is bounded again by Willard Avenue to the west, Main Street to the east, and the high bit of Francis Avenue and Piper Brook to the south, that is almost exclusively industrial. Industrial or commercial. That's all I have for now.

Chairman Aieta: I'll open it up for the Commissioners to comment at this time, and then we will go to the public.

Commissioner Sobieski: Mr. Planner, I thought we were just concerned with the Day Street area. I thought we were going to leave the Willard Avenue area alone because there are a lot of historical homes up there, older homes up there, and I thought that was our concern, what Commissioner Pane had said.

Craig Minor: Well, that certainly was not a consensus, it was a very clearly expressed opinion by you Commissioner, and that might eventually be where the Commission goes with this, but I'm going to give a little push back about, to abandon Willard Avenue completely, because that's a big part, I mean, that's where the CTfastrak station is. To not even have the CTfastrak station in the TOD zone would be rather odd, and although yes, there are historical houses there, if you see in my memo, I noted that because that was brought up during the hearing, and if this ever does get to an actual amendment, we can certainly put language into the amendment to talk about protection of the historical homes.

Chairman Aieta: Any other Commissioner comments or questions for the Planner?

Commissioner Pane: I have some real concerns with this area here. After listening to the public you can see that they have a lot of concerns too. There are also some meetings coming up for discussion on the commuter rail. That's a year, two years down the road, and I've got to wonder if we are jumping the gun because we have no idea what is going to happen with the commuter rail yet, so we don't have all of the information in front of us, so I have that kind of concern. I did notice that I think the CTfastrak, on Willard Avenue, there is barely any parking there. The only thing that we could do would be to encourage people walking, and there is some lack of sidewalks in certain areas, so I would be concerned about getting sidewalks and safe access to cross the streets so that people in the neighborhoods here can walk to the CTfastrak and can walk to the commuter rail. I have concerns about major redevelopment because of the reasons that the public stated last meeting. Also, if I'm not mistaken Mr. Chairman, I can't remember exactly but I thought that the 2020 Plan was changed on the industrial zone property, and it prevented some housing if I'm not mistaken, so that would be one of my concerns too. That's all I have for now, thank you.

Chairman Aieta: I think what you are saying is that there were portions of the 2020 Plan that I remember that I made an addition to the 2020 Plan to keep the Industrial properties as industrial properties. I see Carol Anest, when she was on the Zoning Board when we did the 2020 Plan, she is shaking her head yes, she remembers that also, and I believe it was that we had limited amount of industrial space and we didn't want to start making zone changes from industrial to residential. We wanted to try to keep that industrial area to try to booster our tax base and our grand list, and that was the thought behind doing that, and it is in the 2020 Plan. This whole area of Day Street I believe is in an industrial zone. I don't know if as far as mixed use an overlay district, it's almost contradicting what we wanted to do as part of the 2020 Plan.

With that, we will open it up to the public. Anyone wishing to speak in favor of this application, please come forward, state your name and address for the record.

Adam Durity, Camp Avenue: I actually bought the house because of the CTfastrak going in and the hopefully, the future rail. Actually I moved here from Maryland, and they had a similar issue there, and it actually kind of looked like the area over around Day Street, Willard, nothing to write home about. They completely transformed that area into a town square. It really increased house values around there, it created jobs, had restaurants, and I actually loved it, and one of the reasons why I bought my house was hoping for something similar to happen around here. I actually very much support even the Willard Avenue, I would love to be able to walk to a restaurant, or a bar, or be able to get on a train to New York City, or take the bus into work, which I did for a very long time, so I fully support this and I'm going

to be very disappointed if this doesn't, because I figured everyone would want that area to look more beautiful and be developed because I think it's an area of a lot of opportunity.

Ms. Bowman: I also live on Camp Avenue. I'm in favor of it, I'd like to have opportunities to shop, and I also think a bus or a trail would cut down on all of the traffic. Right now it would be nice if I could take a bike or walk to something local to get the exercise, and I'm hoping I would be able to get the exercise that way. I would like to see everybody getting out and walking. Thank you.

Chairman Aieta: Thank you very much. Anyone else wishing to speak in favor of this application? Seeing none, anyone wishing to speak in opposition to the application come forward, state your name and address for the record. If you have questions or anything you can come up at this time also.

Cara Santoro, Francis Avenue: I can appreciate what they were saying, but Camp Avenue is not where the busway is, it's not where Day Street is, it's not the traffic that we get going up and down Francis as it is, it wouldn't be keeping them up at night if the bars and the restaurants were open or crime went up, as we have already seen. Camp Avenue is far enough along that they can walk to the center. There are plenty of restaurants there, there's bars, there is Starbucks, there are all kinds of sidewalks on Willard. I myself have a three mile route that I do further down Willard Avenue. I don't think we really need to accomplish that. I appreciate the fact that they bought a house here in our town, that's great, but where he is, and what they are thinking is not what we want on our street. They don't live on our street, we don't even have enough room for the cars going now, let alone a sidewalk or a bikeway. It's just not practical at all, and Camp Avenue is more residential and we have enough trouble now with everything that we have at Cashway Lumber, and what goes on at night. I can remember one night, it was 11:30 at night, I was driving home on a week night, and people were coming from Main Street, walking up Day, and they were very suspicious, and I just called the Police Department because I said, if they are coming from Main, they are not trying to get to that side of town where Day would be, so we see a lot of stuff that Camp Avenue, Stoddard, well, Stoddard probably sees a lot of traffic, from there on, they don't see what we see, and we don't want it in our neighborhood. I said it before, it's a lot of neighbors helping neighbors, it's quiet, we just don't want what comes with restaurants, bars, you know, grocery stores. Best Market finally made a hit here, so someone can walk in that direction, we don't want movie theaters and parking garages, that's just how I feel. I know a lot of my neighbors couldn't make it tonight, but they share the same feeling that I do.

David Charmut: I have lived on Francis Avenue for forty years now, it's changed a lot, not so much from what it was before, it was kind of quiet, even with Cashway and Merrow Machine, when they were here. The street was fairly quiet. Since the busway has gone in, it's a speedway. They put a stop sign at Francis and Magnolia, and I'll tell you what, they must have a Christmas tree in the driveway down there, at that stop sign, because when they hit my street, where the drive is, there are some cars going fifty miles an hour from that stop sign. You could have the Police put in a monitor there, just to verify what I'm trying to tell you, I'm not really looking forward to big development in the busway area. We're looking at a trail station which has increased traffic on our street since the busway has gone in, they are using it as a shortcut now. My grandchildren walk to school, they live next door to me, that's a hazard. I'd like to see the road capped at Day Street, not make it a throughway because we are going to have a parking area for the train station eventually. Thank you.

Rose Lyons, 46 Elton Drive: I don't live in the area, but I live close enough so that I see the traffic and I'm around that area enough, and have been in the Chapman Street area, up until a couple of years ago, two or three times a week, because my sister-in-law lived on that street. I'm very concerned more about the traffic situation over there than anything else, and

I think that by leaving it as it is, you are better off. Even within the last month I have put in a call into the Department of Transportation because there are new signs being put up at the bridge where it is showing merge signs that I think Mr. Sobieski can tell you, he went out and looked at it, and they are telling you to merge right instead of left, it's just one big mess over there and trying to get in and out of Chapman Street is terrible. I know it has nothing to do with what you are doing right here, right now, but in the future it is going to have something to do with it, and it's going to affect the safety and the quality of life for people that live in that area, have lived in that area for many years.

Chairman Aieta: We take traffic into consideration because it is a factor in what we are doing here tonight.

Anyone else wishing to speak in opposition? Seeing none, I'll open it back up to the Commissioners after hearing from the public. This is the third round of public input on this particular issue.

Commissioner Sobieski: I know the traffic issue is very bad, it's gotten worse since they put the busway station in there, it's a cut through. The Police Department did put a stop sign up there and periodically they enforce it. They make good money off it. People running the stop sign. I know for a fact that they also have a speed trap set up there being set up and they have actually nailed people from Mr. Charmut's house doing at least 45, in a 25 zone, and I just see that with this type of development in here, if you want to put in restaurants and entertainment, it's going to take the neighborhood and put it into a down spiral. This is a residential area, and we go to put in an outdoor venue that has come before this board, we've asked them how it will affect the neighborhood with the noise. This will. You can hear them working on the bridge, as Domenic knows, you can hear that at night. At night it is quiet, and the way that line is set up there, it resonates throughout the area. I would not want to see any of the neighbors in there have their quality of life drop down any more than what it is now. You pay the price with traffic cutting through, it's become a speedway, and it's not only there, it goes down Day Street. One of these days you are going to have kids racing down Day Street, not making the turn by the old Standard Structural Steel and you have a car going through the building there. We all know that there is a traffic issue in town, and I would like to see this area remain the same.

Chairman Aieta: Any other Commissioner remarks at this time? Commissioner Pane brought up an interesting item. We have the rail coming in, we have very little information as to how they propose to do it, where they propose to do it, how they propose to provide parking. We have the busway, as it stands now, we know that there is a parking problem at that particular facility, at that location there is not enough parking. I think we need some information from the State of Connecticut to tell us what their plans are as far at least for parking for the busway. Are they looking at acquiring property adjacent to the busway for additional parking? I think that is something that we should know before we proceed with this. Also if the train station, I think we need some more information as to what and when and how that is going to proceed.

Commissioner Pane: There are a lot of unanswered questions, I don't think that this Commission should stop on trying to make the neighborhood there better than it is now. We should continue to look at Day Street and try to improve on the commercial businesses there and look at the area there and make sure that people aren't violating things and that the area is cleaned up, but as far as going forward on the TOD here, I seriously think, because of the lack of information right now, that we are the applicant and I think that we should withdraw the Petition 30-16 until a future date when we get more information on the commuter railroad and maybe some additional questions answered from the State. In the meantime, we can look at ways of how to increase the pedestrian, the safety of the pedestrians in that area, and

continue to make sure that area is kept clean for the quality of life for the residents, so at this time Mr. Chairman, I would like to make a motion that we withdraw Petition 30-16.

Chairman Aieta: We would have to close the hearing, and I think we should take some time....

Commissioner Pane: Okay, I'll make a motion that we close the hearing on Petition 30-16.

The motion was seconded by Commissioner Sobieski.

The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Aieta: Now we have to move it, and I suggest that we move it to New Business so that at the next meeting we can have an appropriate discussion as to how we are going to proceed. Maybe there are some things that we could salvage on it, the clock is not ticking on this, this is our application, so we can move it to New Business and keep it there until we get the information that we need to move it from New Business to Old Business for action. I think it might be a little premature to scrap the whole TOD concept in that area. There is still some stuff that we can do. We can do some, look to make some improvements to the Day Street industrial area, some beautification, some incentives for the businesses there to clean up their property, I know that if that was a town owned industrial park it wouldn't look the way that it does now. You have two industrial parks that are town owned and they are beautiful and well kept areas. Maybe there is something that the town can do, there are other areas that we have to look at before we scratch this.

Commissioner Sobieski: I believe that, we attended the Kiwanis Club meeting and I believe this railroad station is now somewhere in 2017, 18, if that. The only thing they had gotten I believe was money, for forty percent design, forty or thirty percent, something like that, so that is not even a done deal. We don't know if the station is going in there or not. The ones that are being replaced now are being worked on so again, this is something that, I remember hearing that it was 2015, 16, 17, and now it is up to 18 or 19. If and when the station goes through, and we get some answers from the State is when we should start looking at that area again. I agree with you on the fact that the Day Street area needs to be cleaned up.

Commissioner Serra: I will agree with both Commissioners Sobieski and Pane, I don't know when the last time a traffic study was done, Day Street, Francis Avenue area, would it be possible to get some counters out there, let's get a count on cars going through there. I do have a lot of concern, because as the gentleman said, he has grandchildren there, there are other kids there, cars are flying through there, let's get a count, I don't know if there is anything to compare it to, but let's see how much traffic is going through there. This way, when and if we do do something, we have something to compare it to.

Commissioner Sobieski: I believe the Police Department had something set up about eight months ago, a year ago, before they put the sign up, and they were making some pretty good arrests for speeding. The stop sign was to try to slow them down at least, at Francis Avenue and Magnolia. Again, what happens is people fly through the stop sign, or just roll through it, and pick up speed again. They do have counts, they do have the counters, they did for a two week period.

Commissioner Serra: Again, I'd like to see that, maybe do it periodically, not just once. Let's do it now, let's do it whatever time, two months, three months, whatever it is. Let's try to get an idea of the flow going through there. I know it's busy, I do drive through there myself but I think that will help us when it comes time for us to do this.

Commissioner Miner: We have a moratorium in place until next July, correct? So we're not....

Chairman Aieta: Question for the Planner. Is there any way we can get from the State of Connecticut any information as to what they plan on doing for parking for the bus station. They must have some plans, because you can't build a bus station and have fifteen parking places, it doesn't work.

Commissioner Pane: It took them six months to a year to let the Town know that they wanted to enlarge the parking at Fenn Road, so for us to wait for the answer on the Willard Avenue station, I don't think it's going to come in a speedy fashion. They don't want to put extra around the busway. They expect everybody to walk and ride their bicycles to the bus station.

Craig Minor: So that would be an answer. If their answer is that they don't plan on doing anything, that's useful information.

Chairman Aieta: Then at least we have that information so we can do something that makes some kind of sense. If they have plans on purchasing the land to expand the parking there, we should know about it before we start making changes.

Craig Minor: I'll try to get that.

Chairman Aieta: I'm not saying that your idea was a bad idea because I do agree with you. The way that this is going, it's, maybe we don't have enough information, maybe it's too premature. I think we should know a little more at the next meeting when we have it under New Business, the Commission can really kick it around, but we can't in the Public Hearing format.

Commissioner Pane: I make a motion to move Petition 30-16 to New Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Aieta: We can put it on for New Business and continue this discussion. The public is welcome to come and listen to the discussion, tell your neighbors in the Francis Avenue area that we will be discussing it, but we moved it procedurally so that we could have a discussion by the Commission and try to get some answers to some of these critical questions.

B. Petition 33-16: Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects, applicant; Newington VF LLC, owner, Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact. Continued from July 27, 2016.

Craig Minor: This is the application for the Special Permit for the drive through and then later on in the agenda tonight, we will discuss the site plan, but this portion of the meeting is just to discuss the drive through, which is by Special Permit.

Chairman Aieta: And this is the second meeting.

Craig Minor: Yes, the applicants asked to be continued from the last meeting because they wanted to make some more changes to address the Town Engineers comments.

Chairman Aieta: We heard the presentation, know exactly what you are trying to achieve, keep it to the Engineer's questions and try to answer any of the questions that he brought forward or the Town Planner brought forward.

Jeff LeBeau: I work as a professional civil engineer with Freeman Companies representing Panera Bread this evening. This is our second continued public hearing, and since our last meeting two months ago, we did make a few changes. There weren't a lot, but we did tweak a few things, and feel that we have a really safe and functional drive through presented here for you.

The specific changes that the Town Engineering staff requested was to modify two radii, the inner radius of the drive through so we did increase that so that there is better turning movement which allows for better stacking and queuing. Also, we widened it, we had eleven feet proposed before now we are up to twelve feet, which is more ideal and will give people a better level of comfort.

Other items that we addressed is that we went through and we fully redid our drainage calculations to better accommodate the storm water management and we redesigned our rain garden to this location. Before we had a small rain garden here, had another one to the north, but in cooperation with the Town Engineer, we changed how the pitched the drainage to the north, and we also enhanced our management here.

So that is kind of the quick overview question. We do have a comprehensive list that we would like to go over as a site modification, just a quick summary and recap of all of the accommodations that we have done since we applied two years ago. Just to give you an idea of how far we have come.

I just want to go over the list and highlight the questions, comments and discussions back and forth, we have hired a traffic engineer, he is with us tonight for any specific traffic questions. We have elongated the queue from seven cars to ten cars, we have relocated the trash enclosure from the east side up to the northeast.

We have relocated the transformer in the front, and we have provided screening in front of that. We have added traffic signage, stop signs, pavement parking and striping to provide for additional safety and traffic flow. We have added architectural railing on the west side for pedestrian protection from the side exit.

We have also relocated accessible parking spaces in the front so as folks coming in with the new proposed one way drive through, it would better accommodate turning movements of people backing out. I had already mentioned that we had a larger turning radii, we increased the width, we have modified the driveway on the exit to better funnel and accommodate folks coming out and making a right turn and going to the south.

We have a better driveway for truck delivery and for layout on the northwest. The truck layout area is here and that will provide a functional access. We have added a truck delivery schedule and table on our set of plans that we have submitted two weeks back, redesigned the rain garden as I previously mentioned and we also added additional plantings and screenings. We added nine more plants for buffering and enhancement. That summarizes, thank you very much.

Chairman Aieta: Since this is a public hearing, we will open it up to the public and get their comments. At this time, Commissioners have any comments?

Commissioner Sobieski: I have two things, if you remember the last time I had a problem with headlights going back and forth. You are having cars going into the queue in the evening with their lights on, and cars coming down southbound, and cars going northbound. I still am not comfortable with the way the crosswalk is set up. You are going to have lights blinding people as they are crossing. That is number one. I still would like to see and I have the two overlays that I got the last time you were here, and both of them are set up very similar where they come in and the queuing goes off to the side where the concrete pad dumpster is. That would make it more sensible. You saw the flow, you wouldn't have the

crossing traffic issues, again, look at the night time season. You have cars lined up going into the queue with their lights on, cars coming down the opposing side, southbound, and cars going north, so think about that for a minute. There is the potential for a lot of hazard there. Again, looking at your other stores, you have the one in Southington, the one in Wethersfield, doesn't have that type of crossing issue. I'm not quite clear as to where the truck pad is that you are going to load and unload with, could you re-show that to me again please.

Jeff LeBeau: Yes, I can show it better if you have the reduced size plan, it's on PM-1. You have a blow up of it. It's not a physical concrete pad, it's a laydown area where the trucks can unload. If you look, there are two different types of vehicles that can be accommodated within this space.

Commissioner Sobieski: So correct me if I'm wrong, you are going to have an opening in that area to allow hand trucks and stuff to go through? Is it wide enough for a vehicle to pass through?

Jeff LeBeau: Correct, that is why we added sidewalks.

Commissioner Sobieski: So, what I'm saying, that truck is going to back up pretty close to the building? Is that correct?

Jeff LeBeau: No, that's incorrect.

Commissioner Sobieski: I'm asking, how are you going to get the material from the truck, deliveries from the truck into here?

Jeff LeBeau: It's going to be a hand truck. It's going to be a four foot wide opening, so hand trucks and carts can make that.....

Commissioner Sobieski: I just want to make sure that someone sitting in the queue line decides that they don't want to go here, and sees that opening and tries to go through it, that's all I'm asking.

Jeff LeBeau: No, it's only four feet wide.

Chairman Aieta: The first comment that you made, explain that?

Commissioner Sobieski: Okay, you could have vehicles going into the queuing area straight ahead with lights on, you could have vehicles coming down southbound, with their lights on. You could have vehicles going northbound with their lights on, picture that, that was my concern.

Chairman Aieta: You must have a solution, what is the solution? Do you have a solution?

Commissioner Sobieski: Yes, my thought would be for some type of bollards, not bollards, some type of posts to block the headlights from the queue line from going back out onto the travelway here.

Jeff LeBeau: We are proposing, this is another addition is 36 inch reflectorized bollards four feet on center for here, so they would be about this tall, white with two sets of reflectorized tape to function as a visual delineator as well as a deterrent, and I think that would help, and it is in line with what you are stating as far as deflecting some of the light. I mean it certainly won't deflect all of it. I can't speak for Tom, but I don't think it would be a

problem if we wanted this. I also brought one picture, this is not the exact model, but this is the idea of what we were looking at.

Commissioner Sobieski: Those would be bollards with the spacing in between. The spacing would be what, two feet, three feet? That would defuse the light.

Commissioner Miner: That is not going to defuse the light, but it will clearly delineate where you are supposed to be going, but as far as concerns about light, it's just not going to do anything. I'm familiar with the Wethersfield site and it's a very similar layout. It works. There are some concerns about traffic, where you get to the point where you are taking a left to go in front of somebody that is existing southbound out of the farther most lane coming out, it's your only confusion point.

Commissioner Pane: In the evening hours I don't think that you are going to have long queue lines that you are at lunch time, and number two, I don't think there is a massive traffic existing from that area because the entrances to the development are farther south so I think most of the activity is farther south.

Chairman Aieta: I think Commissioner Pane's statement is probably correct, because this portion, this northern portion of that parking lot is very rarely used, it's not used by the Wal-Mart people. It might be used maybe a couple of days near the holidays, but most of the year it is basically what you see now, there's no cars, the only cars that actually use it are the overflow from Panera that use that section. I've never seen cars parked where that truck loading is, and I go by there three or four times a day, and I know the area there very well. This satisfies what you are saying then.

Commissioner Camillo: The vault for the utilities in the northwest corner, are you going to have some protection there to protect it from the cars coming around so that they don't run into it.

Jeff LeBeau: Yes. There will be two bollards. Concrete filled.

Commissioner Camillo: Thank you.

Chairman Aieta: This is a public hearing, a continuation, so if there is anyone who would like to speak in favor of this application, come forward and state your name and address for the record. Seeing none, anyone in opposition? What is the pleasure of the Coming on this application?

Commissioner Pane moved to close Petition 38-16 and move it to Old Business. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Aieta: We will move this to Old Business. We still have the other portion, the site plan approval.

C. Petition 38-16: Special Permit (Section 6.2.4: Free Standing Business Signs) at 2288 Berlin Turnpike and Prospect Street. Parth Patel, owner, Hartford Sign & Design, applicant, Darin Senna, 328 Governor Street, East Hartford CT, contact.

Darin Senna, 328 Governor Street, Hartford Sign and Design: You have copies of the two pylon signs. There is also a page from Mr. D'Amato which confirms the pylon signs, the calculations. This is a new building.

Chairman Aieta: Do you have the calculations, the square footage of the signs?

Darin Senna: It was the linear frontage of the building.

Chairman Aieta: Is that what you used, just the front that faces the Berlin Turnpike?

Darin Senna: Yes. We have a secondary sign on Prospect Street.

Chairman Aieta: Mike, you ran a calculation as far as the linear footage and you gave them two square feet for every linear, and you used the portion that faces the Berlin Turnpike? For both signs you used that same dimension. I just want to make sure the calculations are right, and how you figured.....

Mike D'Amato: It was two to one for the front wall, which faces the Berlin Turnpike, which is how they, how we developed what was allowed and then separate from this, the regs do give them a .75 for the wall signs, but we didn't factor that in with what was allowed for the pylons, because it has to be, so the total signage here depends only on the frontage.

Commissioner Pane: What is the .75 for?

Mike D'Amato: The regs allow for the business to use .75 square feet for each linear foot on the frontage on the rear of the building, for the purposes of entering the building from the rear. So, in the case of Chili's that has a sign on the rear of the building where the parking lot is, people when they park can enter the building, so they display that sign on the rear, so we are not counting that as what he has.

Commissioner Pane: Do we have a layout of every sign that is going to be one the building?

Darin Senna: Yes, we have an overall plan.

Mike D'Amato: I don't want to steal his presentation, but basically what we did is we developed a sign program, which is going to stipulate, I believe, and correct me if I'm wrong, they are going to require the tenants to file this in the lease that each unit is given X amount of signage. So when they come in, they will have already been told what signage that is. We worked that all out, so there is a concrete amount of signage for each unit, so I think it will give us a better understanding of things, so as things change, we know, okay, Unit 4 is allowed ten square feet, so we should be able to keep better tabs on it moving long term.

Chairman Aieta: The front of the building faces the Berlin Turnpike, is there also going to be wall signage?

Darin Senna: This is just or the pylon, we have a plan in place to allocate certain amount of square footage per tenant.

Chairman Aieta: We have to approve those walls signs also, right?

Craig Minor: No. All you need to approve is the pylon. Wall signs are part of the (inaudible).

Commissioner Pane: Are they all uniform in design?

Darin Senna: Yes.

Mike D'Amato: He's going to do all the signs, there are none that we have gone through the approval process that are not permanent.

Commissioner Pane: The pylon sign that is one the Berlin Turnpike, it's going to end up being only one sided?

Darin Senna: It's going to be set up to be two sided, because that gives them the opportunity to have either a wall sign, which is facing the woods, or have a panel.

Mike D'Amato: The reason that they wanted to build a sign double sided because on the Berlin Turnpike you want to be visible. The problem is, the tenants that are on the side of the building, and the tenants that are in the rear of the building have zero visibility. So, we talked about it, and at the start are going to black out the second side of that pylon and people are going to use the wall signs, but I know what is going to happen, there is going to be a time when a tenant says, I don't want a wall sign, nobody can see me. I would rather use that sign that is on the pylon. So we had to develop, that is why we had to go back to that program, so that Unite 4 can only use this much signage. If they take it off the building and use the pylon, we still know we are conforming there.

Commissioner Pane: I know what you are trying to achieve, but I would plan that they are going to put it on the pylon.

Mike D'Amato: Right.

Commissioner Pane: Just plan on smaller signs on the building.

Mike D'Amato: And that would be an option.

Darin Senna: This is mostly going to be a medical facility, so most of these tenants, if you have a sign facing the woods, it's not really functional. So they need to have some identification out by the road so that people can find them.

Commissioner Pane: So is it possible if you have a double sided sign that one side might have different tenants than the other side?

Darin Senna: No. That's not going to be possible. Right now Dr. Patel is the only tenant in the building, so he is going to occupy the first panel. It will be set up ahead of time for everybody to be on there, there is plenty of signage.

Commissioner Pane: I just think it is a mistake if you don't put it on both sides. You should plan on it I think, plan on it from the beginning, because I think most of the tenants are going to want to be on the pylon sign, and they are want it on both sides.

Darin Senna: I agree, but we just may have a tenant who may feel strongly about having a wall sign.

Commissioner Pane: If you leave it up to them, you could have different size signage on the building, and that would not look good.

Darin Senna: The owner is not going to allow that. (Inaudible) I wish I had brought that. Actually, I did. These are wall signs.

Chairman Aieta: We can look at them, but it doesn't pertain to us, it's just for information.

Commissioner Pane: I think they should plan on using both sides of the pylon, it would be beneficial. Now what about the pylon on, it's only one sided on Prospect.

Darin Senna: Same thing. Two sided, but to start only one.

Commissioner Pane: You are not encouraged, if people are heading towards Wethersfield, you are not encouraging people to turn into that entrance way because it looks like, the way the driveway is designed, it's only right in, am I correct?

Darin Senna: Yes.

Commissioner Pane: So why would you have a double sided sign there?

Darin Senna: On Prospect?

Commissioner Pane: Correct.

Darin Senna: Why would we have a double sided sign there? People coming from Wethersfield could come to this property and take a right, and people coming off of the Berlin Turnpike.....

Commissioner Pane: Can't take a left.

Chairman Aieta: Can't go in that way. It's only set up for right in, left out. Is that correct Mr. Planner?

Craig Minor: I don't know, we don't have the full set of site plans.

Commissioner Pane: The way that the pavement looks, I saw the pavement, on the ground and they designed the pavement so that it is only right in, so I'm only guessing, I haven't seen the site plan, but it looks like it is only right in. It looks like they are not accepting people....is that correct Dr. Patel?

Dr. Patel: Yes, it is right in.

Craig Minor: So your question is a good one. If it is a right in only, why would the applicant need to have a message on the...

Chairman Aieta: We don't want to encourage people going east on Prospect to turn in there, crossing the other lane, which they will do if the sign is there.

Darin Senna: Then we will make it one sided.

Commissioner Pane: I think it would be best if it was one sided. If the Chairman remembers, a lot of different applications that come in, near the gateways, that we usually have like a Welcome to Newington, and that is very close to the property line of Wethersfield, so I don't know how the Commissioners feel but maybe something should be, Welcome to Newington for people heading from Wethersfield, similar to other signs that are in other areas. Just a suggestion. Thank you.

Chairman Aieta: Just a question, Now, if I'm a tenant and I want to put my sign on the pylon, how does it designate if someone wants to come and see me which door they open. Is there going to be another sign.

Darin Senna: There will be on property directory signs.

Chairman Aieta: Is the entrance to all of these from the entrance way, or is there entrance from the sides and back?

Darin Senna: From the sides and the back.

Chairman Aieta: So there would be directory signs. Is there like a lobby?

Darin Senna: Right.

Chairman Aieta: Okay, thank you. This is a public hearing, so we will ask the public for comments. I think you did a good job Mike on this because we have had problems in the past where we have the pylon sign and then the building signs, and nothing matches and it's a problem for the tenants, so this is going to be clear to the people that rent there, what they get, how they get it, where the signs are going to be located, it's going to be uniform. Any Commissioner comments? Anyone wishing to speak in favor of this application please come forward, state your name for the record. Anyone in opposition to this application? Seeing none, what is the pleasure of the Commission? Are there any questions that you have?

Commissioner Sobieski moved to close the public hearing and move Petition 38-16 to Old Business. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Aieta: We are going to move this to Old Business and we will act on it tonight.

VIII. APPROVAL OF MINUTES

A. Regular Meeting of July 27, 2016

B. Special Meeting of August 10, 2016

Commissioner Sobieski moved to accept the minutes of the Regular Meeting of July 27, 2016 and the Special Meeting of August 10, 2016. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

IX. NEW BUSINESS

A. Petition 34-16: Site Plan Modification (Drive-Through Lane) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.

Chairman Aieta: We went over most of this, and let the Planner present any items that we should be concerned about.

Craig Minor: They have addressed all of the concerns and in fact I do have an e-mail from the Town Engineer recommending that the Commission act on this because he is satisfied with the changes.

Chairman Aieta: Any Commissioner comments, anything to add to this?

Commissioner Serra: The only concern I still have on this issue is the lack of a bail-out lane. I still have concerns with that. I still have, not as much as before, but some safety concerns with the cars coming down with pedestrians crossing through there, it's not a dedicated lane

when they exit out of there. They are still parking in that area, they are still walking across, I just still have some safety concerns. It's much better than it was, I guess my biggest concern at this point is the bail-out lane, or the lack thereof.

Chairman Aieta: That's a double edged sword Bob, because if you are in line and want to get out, that's good for you, but if you are in line and you get out and smash into some cars coming the other way.

Commissioner Serra: I understand.

Commissioner Sobieski: I still like the idea of re-designing it, but the way that it is right now, there is no way of putting in a bail-out lane without getting to cut through traffic.

Commissioner Pane: They left it wider, so that at one point, you can get around the cars, so if there is a decision made, you don't have to wait the whole time. Lots of drive throughs don't have bail-out lanes. I don't think it's a common thing. I think if the site plan had the extra room and then they could plan for it, but I don't think it's a loss, and I think they are accommodated most all of the safety things. I mean, I saw worse things at McDonald's that we just recently approved with cars backing up in front of handicapped.

Commissioner Serra: Absolutely, and that was a concern here originally but that has been addressed.

Commissioner Sobieski: You did say that there is enough room for a bail-out, somebody making that first turn there. Back up, around where the dumpster is. Is there enough room for a person to make a bail-out and go around that?

Jeff LeBeau: Here? No.

Commissioner Sobieski: So before they hit the ordering booth there is, am I correct?

Jeff LeBeau: No, the only area where they would be able to bail-out is right where they would be picking up. It's twelve feet wide, twelve feet all the way around which is comfortable for a single lane, it does expand to fifteen feet, and they could bail out at that point. Because this is a retrofit and we have our setbacks, the no touch, we wanted to provide something.

Commissioner Sobieski: Could you put some type of sign up there, some type of sign saying bail out area, or bail-out lane. I'm asking a question because if a person decides that they are not going to order, they are stuck in that queue all the way around until they can get out. That's all I'm asking.

Jeff LeBeau: Just to provide a sign here. If it doesn't violate any of the zoning, I don't see a problem with a small sign.

Commissioner Miner: The move that I am looking at it, I think you are almost better off to remove those delineators, pavement mark it, something that is high visibility, and allow that, first three, four cars that are queuing, at that point they are eight back, to allow them to bail versus getting hung up and just not having the opportunity to get out. I think you are almost better off to eliminate that delineator line, because what are you, six back at that point?

Jeff LeBeau: This would be eight right here, so if we made this, maybe just put in a rumble strip and these three could get out.

Commissioner Miner: Because that is the point where you are going to make a decision, if there are that many cars in line, you don't want to wait.

Chairman Aieta: What do you want Stan? Do you want them to bail out or do you want the lights shining in their face?

Commissioner Sobieski: I'm just saying, looking at it, trying to play devil's advocate all the way around. You don't want to put the delineation in there, and you want to have cars in and out of there at will, you are going to have the traffic coming down, you realize you are in that queue lane, and the third car down decides that he doesn't want to eat here, and he turns off to the right, and he is going to be crossing traffic coming up.

Chairman Aieta: I'll ask the owner to come forward, state his name and then make some comments.

Tom Howley: I'm the owner of the company that is going to be operating this. I'm not a traffic engineer obviously, but I have some familiarity as to how these work. I would prefer to continue to have the reflectors or some other kind of screening area that channels people, and push back at me if I'm, to me, it's a safer condition to do that than it is to allow people at any particular point to bail-out. It is true that if we could have a bail-out lane we would, but it's also true that they don't exist everywhere. The inconvenience, it happens fairly infrequently that somebody gets in line and then decides, I have to leave. So if we are really doing a lot of business there, we're at ten cars or so, I think you could find yourself in there for five, six minutes, something like that. It would be inconvenient, but I would rather continue to address the various safety issues in regards to the travel lanes than to bail out the two or three cars at the end.

Commissioner Pane: I just want to say I agree with the owner, and I am really pleased that the applicant didn't decide to go to ZBA and try to get a waiver for our 35 foot green space to try to put in that, so I'd rather have the green space instead of the bail out lane, and I think they have done an excellent job designing this, I feel that it is a lot safer than it was before, and.....

Tom Howley: Could I just say something, and I mean this sincerely. I obviously wish that we had gotten through this more quickly and then we would have a drive through, and I do believe it's really important for our business. It will keep us competitive. Having said that, I also want to thank you for the changes and the ideas that you have had because I would really much rather have this design than the one that we came in with originally.

Commissioner Serra: I'm satisfied with the answers that were given, I'm good with this.

Craig Minor: You could move this to Old Business because I would rather you deal with the special permit before the site plan.

Commissioner Sobieski moved to move Petition 34-16 to Old Business. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion with six voting YEA.

X. OLD BUSINESS

A. Petition 33-16

Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread.)

Norr Architects, applicant, Newington VFLLC, owner, Bryan Slonski, 325 No. LaSalle Street, Chicago IL, contact.

Commissioner Miner moved to approve Petition 33-16: Special Permit Section 3.15.4 Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects, applicant, Newington VFL LC, owner, Bryan Slonski, 325 No. LaSalle Street, Chicago IL, contact.

CONDITIONS:

None.

The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

B. **Petition 34-16**:

Site Plan Modification (Drive Through Lane) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects applicant; Newington VF LLC, owner, Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.

Commissioner Miner moved to approve Petition 34-16: Site Plan Modification (Drive Through Lane) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects applicant; Newington VF LLC, owner, Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.

CONDITIONS:

None.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

C. **Petition 38-16**: Special Permit (**Section 6.2.4**: Free Standing Business Signs) at 2288 Berlin Turnpike and Prospect Street. Parth Patel, owner, Hartford Sign & Design, applicant, Darin Senna, 328 Governor Street, East Hartford CT, contact.

Chairman Aieta: Commissioner Pane, can you come up with a motion for the sign for Dr. Patel?

Commissioner Pane: Well, we had some changes there.

Craig Minor: If you want to take a short recess, I can come up with a draft motion, but I'm not sure what the conditions would be.

Chairman Aieta: It would be the sign on Prospect that would be one sided, I think the one on Berlin Turnpike would be a double sided sign, and I think that's it. The only condition is that the one on Prospect is one sided facing, coming from Wethersfield, it would be driving west.

Craig Minor: Could we revisit that for a moment? I know that the applicant said that he was okay with having it just one sided, but we have a site plan in the folder, in your package and although the curb cut to the east is certainly generous too urge people to turn left, it doesn't look as if it is designed to prohibit someone from making a right turn.

Commissioner Pane: That's a state road.

Craig Minor: You think it was a condition of the DOT?

Commissioner Pane: It could be.

Craig Minor: I know, but did Dr. Patel say that?

Commissioner Pane: I don't know.

Craig Minor: Oh, okay.

Commissioner Pane: The pavement is designed only for a right in, is the way that I looked at it. The way it was paved, I'm looking at the site plan, but when I went out there physically and looked at it, it was designed with pavement for right in only.

Craig Minor: Then they did it wrong, because that is not what you approved, and if that is how they did it, the contractor did it incorrectly. Your site plan, that's not what you approved. Now, if you are fine with it being right only, I'll just say, okay fine....

Chairman Aieta: Well, we have a situation here where we approved it one way, but they had to go to the DOT, state, to get approval because it is a state road.

Craig Minor: Do we know that?

Commissioner Miner: I think we should just wait.

Commissioner Pane: We can leave it on Old Business.

Chairman Aieta: Can you make a motion that we can leave this on Old Business for our next meeting?

Commissioner Pane: I move that we leave this on the agenda under Old Business for our next meeting. The motion was seconded by Commissioner Sobieski.

Commissioner Sobieski: I suggest that we try to get a copy of the STC report. I'm just asking because if it is right in only, we need to know that.

Darin Senna: Does that mean that I can't start manufacturing the sign.

Commissioner Pane: I think we are going to approve it, it's just a matter of whether it is one sided on Prospect Street.

Chairman Aieta: We're questioning our own approval, and what the approval was from the State. I don't want to give you erroneous information. If you proceed with the manufacturing, you proceed at your own risk.

The vote was unanimously in favor of the motion, with six voting YEA.

Darin Senna: I can proceed with the foundations probably, get that in before it snows.

Commissioner Pane: We are going to have an answer in two weeks.

Craig Minor: If the applicant is willing to make the sign one sided, then fine, my only point was that there was a misunderstanding that the driveway was designed to allow only right turn it. It's not, it's designed to allow both ways.

Chairman Aieta: You didn't have the advantage that I did, sitting here, Dr. Patel indicated to me that it was right in from Prospect Street.

Craig Minor: You realize that is not what you approved?

Commissioner Pane: It's possible that.....

Craig Minor: No it isn't. This is the site plan that you approved.

Commissioner Pane: Excuse me, it is possible, because if the State made them make some changes, they didn't come back to you with an as is drawing and change it. It is possible that the State said, only right in, and they changed it without telling you.

Craig Minor: They would have to come back to us first. They can't do whatever the STC tells them without checking with us first, because that might conflict with the condition of approval which would then create a problem that would then have to be resolved. They can't just do whatever the STC recommends - they have to respect you more than that.

Commissioner Sobieski: That's the reason I'm suggesting that we get a copy of the STC approval, number one. Number two, if that is right in only from Prospect and they have to put no left turn signs on 287 coming up.

Craig Minor: And they would be looking for modification to your site plan.

Commissioner Sobieski: Correct.

Chairman Aieta: We have a motion to postpone this until the next time and by then we should sort it out and get the right information. If you feel that you want to start manufacturing, you know the feeling of the Commission.

Darin Senna: Okay, we can definitely get the foundation in the ground and wait two weeks before starting manufacturing. Thank you very much.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 39-16: Special Permit (Section 6.2.4: Free Standing Business Sign) at 800 N. Mountain Road. St. Thomas Indian Orthodox Church, owner/applicant; Anoop Mathew, 11 Welles Lane, South Windsor CT, contact.

Craig Minor: The Indian Orthodox Church on North Mountain Road that the Commission approved earlier this year would like to have a free standing sign in front. They submitted their application, and I recommend that it be scheduled for your next meeting.

Chairman Aieta: Are there any problems?

Craig Minor: No, the application is complete and it meets the requirements, so I don't see any problem with it.

- B. Petition 40-16: Show Cause Hearing to Revoke Special Permit #03-04 at 174 Francis Avenue. American Muscle Inc., permittee.

Craig Minor: The next item to discuss, for scheduling, is to consider revoking the Used Car Dealership permit currently at 174 Francis Avenue. The Town of Newington received a

complaint from a number of the neighbors recently complaining about the violations going on at the Cashway site, and so there are several ways to deal with it. The obvious or immediate way of dealing with it is to revoke the permit. The Commission has the authority to do that. Now you need to hold a hearing on it first, just like you did with Plaza Azteca who had a permit to conduct their Cinco de Mayo event, but the Commission was concerned about how it operated in the past. You had a hearing, asked them to explain the situation, but the Commission was not satisfied with the explanation and ended up revoking the permit. That is a similar situation as here.

Chairman Aieta: If we revoke the permit, is there an appeal?

Craig Minor: Yes.

Chairman Aieta: So he could appeal?

Craig Minor: Yes.

Commissioner Sobieski: There are several of the neighbors from Francis Avenue here. I wonder if we could make an exception if they want to say something?

Chairman Aieta: This is not a public hearing. We will be scheduling a hearing.

Commissioner Pane: As the Planner said, there are several different methods that can be performed to possibly solve the same thing. I have, I know this was a long time ago, I don't know if they came in a few years after. There is a lot in the file on this company. Can we hold a review where the Zoning Enforcement Officer shows us a site plan, we could spend a little bit more time reviewing the site plan, reviewing the new stuff, and be able to ask him questions so we can decide if we want to go on.

Chairman Aieta: That is what we are doing with this. We're asking him to come in and address why we shouldn't pull his permit because there is obviously, he is not in compliance with the conditions of the Special Permit.

Commissioner Pane: I understand that, I'm just asking, like if our Zoning Enforcement Officer were here, I would ask him, I would have a question for him like, have you sent a letter to him to ask him to comply and things like that. I'm wondering if that was done, and when and how long and how many he sent, so I can determine in my mind whether or not I would want to put this on a public hearing. That's just me, and I'm only one vote but just putting in on the record.

Chairman Aieta: I had a lengthy discussion with the Planner on this whole issue. This is an item that goes back for so long that it's almost an embarrassment for the Town of Newington. Several different sub-divisions of the Town of Newington are involved in this, and nothing has been done and it's been going on for long enough. It's time for the Zoning Board to take the bull by the horns, and see if we can determine if he is in violation of the Special Permit. If he is, then we will revoke his permit. From there, if he appeals we will go to court, and if not we will proceed to take the action that we did and go to the Motor Vehicle Department and have them shut down that way, but you can't go to Motor Vehicle and say to Motor Vehicle, go check this guy out, and do this, do this, do this, without giving him the opportunity to come before the board and give him his opportunity to address the eight items that the Planner determined that he is violation of his Special Permit.

Commissioner Pane: DMV does that all of the time, they check out premises.....

Chairman Aieta: I wasn't (people over talking)

Commissioner Pane: I don't know, I don't have the answer for you on that.

Chairman Aieta: This is the way that I would like to proceed with this. It's up to the Commission. If you would like to jerk this around some more, then tell me and we will vote that way, and we'll play with this a little bit more. If not, then let's proceed this way. This is an action. I don't know, I talked to the Planner, we discussed it. Do you have another idea?

Craig Minor: No.

Chairman Aieta: Could we call motor vehicle and tell them to go shut him down?

Craig Minor: Well, that has been discussed. My feeling is, this is your regulation and you need to be in charge of your regulations. I'm not comfortable abrogating your responsibilities to some other agency. We will do that if we have to, in fact, we might do that in some other areas too. This is your regulation, and this is your permit that apparently is not being complied with.

Commissioner Sobieski: Just to let everybody know, I believe Art Hanke was the Zoning Enforcement Officer. I had talked to Art Hanke, he had called me and told me that the Motor Vehicle Department had told him that he was selling junk cars out of there, because Art said to me, this is Art talking to me now, the Motor Vehicle Hearing Officer had gone on eBay to see all of the parts that he was selling.

Chairman Aieta: And they didn't take any action.

Commissioner Sobieski: No they didn't at that time, because the Town at that time wanted the whole front cleared up which they did. This was behind the gate, and that was as far as it went. Then all of a sudden it started piling back up again, and the neighbors had come up with several concerns, especially the cars jacked up on jacks. There were kids running around there, climbing, and they are on town property.

Chairman Aieta: That issue was resolved.

Commissioner Sobieski: Well, not really, because when I went by there this afternoon, he has a flatbed with a piece of junk on it. Still sitting on town property.

Commissioner Pane: During during the day he can do that.

Commissioner Sobieski: But it's there at night too, Domenic.

Commissioner Pane: I don't know if it is there at night.

Commissioner Sobieski: I'm just saying what I have observed, and on the weekends.

Commissioner Serra: I agree with Chairman Aieta. We didn't do anything different with Plaza Azteca, we followed this, we set the precedent, and I think we have to follow through and have this hearing. He's been slapping this Commission, the Town in the face for too long; the residents, the stuff they have to deal with on all of this. We need to get this resolved, and I think the easiest, quickest way is to have this hearing.

Commissioner Strong: I agree.

Commissioner Miner: I would say, proceed this way, but the secondary way of doing it is to contact DMV specifically because they are...

Chairman Aieta: If we do this, and pull the special permit, then you have something concrete. It's obvious that the DMV is well aware of what this guy is doing on this piece of property. You are shaking your head no, but Commissioner Sobieski just said that Hanke was out there and DMV was out there, and the guy is still operating. If he is running a junk yard, why didn't they shut him down when Mr. Hanke went out there?

Commissioner Miner: The DMV operates much differently now, in terms of how they deal with compliance issues.

Chairman Aieta: If we pulled the Special Permit, and they don't have a zoning permit in the Town of Newington, I think that has a lot more weight than us going, hey, can you go check this guy out? I think it has a lot more weight.

Commissioner Miner: Commissioner Camillo can speak to that. They will come out, they will see this equipment, they will shut you down, and they will arrest you and jail you. It is a serious issue when it comes to dismantling. The State is issuing no more permits. This guy is operating illegally and how he has gotten away with it as long as he has gotten away, I don't know.

Commissioner Pane: The State of Connecticut has a little bit more power on something like that, and he can't come back... (over talking)

Chairman Aieta: If you want to go to the State of Connecticut, then take a vote that way. The consensus of the Commission is to proceed the way that we have already...

Commissioner Pane: If I could just finish speaking? I was just going to say, if the State of Connecticut came after him, they are not going to sue the State of Connecticut like they might sue the Town. He has an appeal period, and he could drag this out for a long time. I just thought that, I don't have enough information in front of me to come to an intelligent decision whether or not this is the proper method, or whether or not contacting the DMV one more time is better. That's all that I am saying. Thank you.

Chairman Aieta: You were on this Commission a long time, so why didn't you contact the DMV when you were the Chairman? Okay, this is on the table, I have a consensus of this Commission to put it for the next meeting, the 28th I believe.

XII. TOWN PLANNER REPORT

A. Town Planner Report for September 14, 2006.

Craig Minor: The first item is the Open Space Regulation that the Commission has been discussing for a while. I'll just read my report.

“At TPZ’s request, I drafted a change to the PL Zone regulations to discourage the development of Town-owned parks and other Town-owned open space. See attached. It is designed to prevent the kind of development that TPZ wants to prevent, but without making all of the existing ballfields and Town-owned buildings non-conforming.

As you know there is no way to prevent future Town Councils from ignoring this regulation and constructing government office buildings on park land it wants to. But if TPZ were to change the zone of all parks and open space from whatever it currently is to PL zone, it would effectively prevent future Town Councils from selling any of this land, because no one would want to buy it since the PL zoning would still be in place, and prohibit them from developing it. “

The amendment to the PL Zone Regulation that I drafted is here and what it basically does is, it lists the permitted uses in the PL Zone which would be, if this regulation is adopted, passive recreation and other similar open space type activities, and then, paragraph is the current use permitted use in the PL Zone; any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. Now, I'm adding a special uses category, A. Land and buildings owned by a government unit, a department of a government unit, or a private or semi-private owner who furnishes a public service or utility. That is currently in the regulations as a permitted use, but I'm suggesting that we make it a special permitted use so that would not be any process for anyone to just come in and do one, because as a permitted use they would just have to show the staff that they are complying with the regulations, and I think this should come before the Commission for further use, and then the other special permitted use; B. Active recreation and other similar open space type activities. So if the Commission wants to discuss it more...

Chairman Aieta: The Town is exempt from zoning, that occurred I believe in the '70's.

Craig Minor: It's actually very interesting. Commissioner Pane asked me to research where in the ordinances it is, and it's not. What happened was, at a Town Council meeting back in the '70's, a council member proposed it, and it was voted on then and there. That's it. That's as far as it got. It never got codified in the Code of Ordinances. It is reflected in the Zoning Regulations, but it was just a vote of the Town Council. It's perfectly legal, but it's not as formal a process that I assumed it was.

Commissioner Pane: I don't think we should spend a lot of time changing our regulations if the Council can exempt themselves from our regulations. I would think that before we change any of our regulations we should ask the Town Council to look into revoking the memorandum that gave the exemption of the regulations. I feel that the Town should be held to the same high standard as we hold everybody else.

Commissioner Sobieski: I agree with Commissioner Pane. We've had that come up in several instances, like when the high school put the flashing sign up. We don't allow it anywhere else, the town should not be exempt from what everybody else is doing. If you can't have flashing signs, then nobody should have flashing signs, whether it is on Town property or not. Exception may be the federal property, but as far as town property goes, all that should be in conformance.

Chairman Aieta: The way to get an answer is to kick it up to the Council and see if they would consider taking a look at how it became, something that just happened basically in the '70's. Sounds kind of odd, the way that they did it. I mean, we could change this and the Council would say "we are still exempt from zoning", so it doesn't make any sense to make the change.

Craig Minor: Well, it would prevent the Town from being able to sell any parks or open space because whoever bought it wouldn't be able to do anything with it, because whoever bought it is not exempt from the zoning regulations. It would not stop them from developing open space themselves if they wanted to.

Commissioner Sobieski: It would only be for Town use, not for private use.

Craig Minor: That could get complicated. I can't really answer that yes or no.

Commissioner Pane: Well, it prevents them from, if they revoke that, it prevents them from ever trying to put a building on Mill Pond Park for example, and that is what it does. It gives us more concrete regulations to protect open space that won't be changed at a later date because of a few councilors want to change it, or exempt themselves, and this would apply to blight issues too. Why shouldn't the town be held to the same standard as we hold everybody else today? Why shouldn't the town make sure that their buildings are kept up and I think it applies to every issue, and I think when you, when the town holds themselves to a high standard then they can expect to hold everybody else to the same standard.

Chairman Aieta: My suggestion is that we have the Planner send a memo to the Town asking them if they would look at this.

Craig Minor: May I suggest that I draft it, and bring it back to the Commission to discuss at your next meeting?

Chairman Aieta: Yes, fine.

Craig Minor: The "Amara Amendment", again, I'll just read my report.

"As I reported at the last meeting, I reviewed the minutes from the "Amara Amendment" public hearing and post-hearing discussion. The consensus was to "approve with modifications" the greater height by allowing it in just the B-BT zone, and some Commissioners also wanted to limit the greater number of beds (density) to just the B-BT zone, it was not in the motion. When I wrote the Draft Suggested Motion I included "approve with modifications" language about the greater height, but I did not for the bed density because when I drafted the DSM prior to the meeting I had not been asked to. Nobody said anything about changing the motion when it was read and discussed, so the application got approved as written.

Bel-Air Manor did not base their recent site plan modification on the greater density. If TPZ amended the amendment now, it would not create any non-conformity for anybody. Let me know and I will get started on that."

Commissioner Serra: Yes, I would like to see that amended. I remember those discussions, I remember those meetings like they were yesterday and I know that was the intent of the Commission at the time. Those of us who are still here were all in agreement with that. I would like to see that go forward and amended.

Chairman Aieta: What is the procedure for that?

Craig Minor: I'll draft an amendment for you. I'll present it to you at your next meeting under Public Hearings to be Scheduled, we will schedule a public hearing and make it happen. There is one last item, "Bed and Breakfast".

“At the last TPZ meeting the Commission made a “finding” that bed and breakfasts of any kind (real ones as well as “AirBNB”) are not allowed under the zoning regulations. However, since that meeting was technically a special meeting and this was not on the agenda, the vote was not valid. So, we need to do it again. I have prepared a draft motion for you to use.”

Chairman Aieta: I’ll just get a consensus so we don’t have to take a formal vote, so we can send a message to the ZEO that we don’t want this. We want a cease and desist.

Craig Minor: In this case I recommend you do it by motion but a consensus would probably be sufficient. You can give the Zoning Officer guidance as to how you want to enforce certain things, and by a consensus would be sufficient.

Bed and Breakfasts

Commissioner Miner moved that it is the position of the Town Plan and Zoning Commission that whereas “AirBNB” and traditional bed and breakfast activities are not included in the zoning regulations as a permitted use, such activities are prohibited.

CONDITIONS:

1. None

The motion was seconded by Commissioner Sobieski. The vote was in favor of the motion with five voting YEA and one abstention (Strong)

XIII. COMMUNICATIONS

- A. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ.

XIV. PUBLIC PARTICIPATION (for items not listed on the agenda; speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: I reviewed the recording of the last session, and I would like to accept your offer and sit at the table with you Mr. Serra. I’ve been wondering what to do with my nameplate from the court when I retired, maybe I could hear you too. I do have a question though, I truly believe that the town should be held to the standards, I’ve said that at Conservation, I’ve said it here, I do think this one little piece, it is so minute as far as designated open space land, but the bigger picture is the blight issue, the detention, retention ponds, I think it could start there. You are opening up a can of worms by going back to the

Town Council and asking them if they don’t want to (inaudible) themselves any more. Is that what your intent is? Good luck, thank you.

Gail Budrejko, 28 Isabelle Terr: Just a thought that came to me when we were talking about the TOD and talking about parking and pushing for more information on what the State has planned and that the TOD areas need more parking and we should.....

Chairman Aieta: I don’t think we were advocating that, I think we just want to know what they are doing and it doesn’t make sense that you have a busway and have no parking. We have read about it in the newspapers, but it doesn’t make any sense.

Gail Budrejko: My concern is that we have to be very careful about pushing the State to build more parking because at this point, we are just encouraging large commuter parking lots. The more parking you get, we are just encouraging more drive through from other neighboring towns to this town, with minimum benefit, it's going to increase the traffic through the neighborhoods around there. By trying to accommodate getting more ridership, and by encouraging large parking lots, again, it's just a huge parking garage with no benefits to Newington as far as I'm concerned, and just will benefit neighboring towns. The only benefit that we could get for Newington would be if we were able to charge for parking, but obviously the State has made it very clear that they are not going to allow any charges to be developed in association with the CTfastrak. So unless we can start putting meters in there or something, I would be very cautious about additional parking.

Chairman Aieta: The Fenn Road area, they are already talking, the State and the DOT that they are already looking at providing parking to that station. We would be better off to know what their plan is for that, how we plan if we don't know what they are doing, and the same thing, as Commissioner Sobieski said, if they said right along that we were getting a station, a train station at Newington Junction, they've said it, and they have been saying it for years, so how do you plan our TOD if we don't even now where the station is going to be. What they are looking for amenities, is there going to be parking, we'd be planning backwards. Don't kind yourself, they are already talking about, they already have plans and they are already putting stuff in motion as we speak to do parking at the Fenn Road area.

Gail Budrejko: And if there is some way that we can get some type of benefit out the additional parking because again, it is creating two huge commuter parking areas.

Craig Minor: I can give some additional information. I have spoken with to the possibility of the question to give some parking. That is going to require a zoning amendment, because parking lots as a primary use, are not listed in your zoning regulations as a permitted principal use. It's permitted as a secondary use obviously, but it's not allowed as a principal use. So the, somebody would have to come to the Commission and amend the regulations to allow parking as a principal use in the PD zone before the parking lots could be built down at the Cedar Street station area, and the same for Newington Junction, but that is not what we are talking about.

Commissioner Pane: That is only temporary. The area that we are talking about on the Hayes property would be a temporary parking area because he is going to put up a building.

Craig Minor: Right, but "temporary" is no different. There is no difference between a temporary parking lot and...(over talking)

Commissioner Pane: He is putting up a building, he has a site plan for a building, and he just wants to allow them, on a temporary basis until the parking structure gets built, to allow them to park on his property.

Chairman Aieta: This is on the National Welding piece?

Commissioner Pane: Parking, with a building on top of it, so there is a use on top of the parking structure.

Craig Minor: I'm not talking about a parking structure, I'm talking about just leased parking.

Commissioner Pane: For the Hayes property. They were planning on a temporary parking area there until the parking structure gets built and finalized, and the parking structure could have a building on top of it.

Craig Minor: Right, I realize that. But "temporary parking" is not a permitted use in your regulations, so they would have to amend the regs.

Gail Budrejko: My point is, there is going to be problems with increased parking.

Chairman Aieta: I would rather know what they are planning, so we can plan around it.

Commissioner Sobieski: Two things that you have to keep in mind. Number one, all state properties are tax exempt, and number two, they can pay you what they call pilot. Pilot, the last that I knew, this goes back seven, eight years, is about one quarter of what the property is worth, so anytime the State takes property, the Town is going to be a loser on this deal, so just keep that in mind when they start looking for wheeling and dealing.

Commissioner Pane: They are not taking the property, they are actually going to pay for the parking garage.

Commissioner Sobieski: Correct, I understand that, but if they take any additional property, it comes off the town tax roles and into their state property, state owned property, you won't get any taxes off of it. I just want to make that point clear.

Commissioner Pane: The commuter rail down there, from what I hear they are planning on 300 parking spaces.

Chairman Aieta: That takes care of our TOD.

XV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: Mr. Planner, when I was with the DOT, we used to send a copy of the STC reports to the towns, so they would know what was done, so you should have gotten a copy, or somebody in this town should have gotten a copy on the Prospect St. project.

Craig Minor: Right, we do get them, and we have not gotten anything for that site.

Commissioner Sobieski: You should probably get a hold of the OSTA and find out why, and make sure that you are still on the list. That's important, and it would save answered a lot of questions tonight about what was going on.

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Aieta: We have pretty much cleaned up a lot of the stuff that we have been working on so I would like to start looking at the sign regulations. I'd like to put it on for scheduling at the next meeting and schedule it for a future date. Probably not until sometime at the end of October or into November. I think we should put this on so we can have a discussion and give you some direction.

Craig Minor: Do you want to put it on for the next meeting?

Chairman Aieta: We have quite a bit for that.

Craig Minor: In October?

Chairman Aieta: Yes.

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Norine Addis".

Norine Addis,
Recording Secretary